



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

VIA ELECTRONIC MAIL

February 17, 2017

Mr. Robert Fisher
W.B. Koester Construction, LLC
14601 Hwy 41 N, Suite 200
Evansville, IN 47725

Dear Mr. Fisher:

Re: NPDES General Permit No. ING040283
IDNR Permit No. N/A
W.B. Construction, LLC, AML 1803, Gambill Lake
and AML 1804 Steep Lake
Between SR 159 and S CR 900 E, at E CR 250 S
Approximately 1.53 miles southeast of Dugger, IN
Sullivan County

Our office has received your Notice of Intent (NOI) submittal in regards to the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-7. These rules are enclosed for your review. Please review them carefully to ensure your facility is in compliance with all applicable regulations.

We have reviewed your request and have determined that the activities associated with it will not violate the antidegradation rules as set forth in 327 IAC 2-1.3. Our office has further determined that the request will not affect this facility's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. Therefore your petition to obtain permit coverage as is described in your NOI has been approved in accordance with Indiana rules promulgated under 327 IAC 15-7 and 327 IAC 2-1.3. Coverage for the facility will include all outfalls listed on the first table of Attachment 1 to this correspondence.

At this time, a NPDES general permit identification number is being assigned to each facility that has submitted a NOI letter to comply with 327 IAC 15-7. Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. The general permit number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit.

The NPDES general permit number which has been assigned to this facility is:

ING040283.

Coverage for the facility under 327 IAC 15-7, which will include all outfalls listed on Attachment 1 to this correspondence, has been deemed effective on **February 1, 2017**, unless a person aggrieved or adversely affected by the acceptance appeals this decision, and will expire on **January 31, 2022**. In order to receive authorization to discharge beyond the date of

Mr. Robert Fisher

Page 2

expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

One condition of your permit requires periodic reporting of several effluent parameters. You are required to submit both federal discharge monitoring reports (DMRs) and state Monthly Monitoring Reports (MMRs) on a routine basis. The MMR form can be found on IDEM's web site at <http://www.in.gov/idem/cleanwater/2396.htm>. Please note that IDEM no longer accepts paper DMR or MMR forms. All NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please contact Helen Demmings (317) 232-8815 for the western part of the state, or Rose McDaniel at (317) 233-2653 for the eastern part of the state if you would like more information on NetDMR.

Please note that IDEM shall serve notice of its decision to accept your facility for coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, IN 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, IN 46204

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our staff at (317) 232-8703 or you may contact us via email at owqwwper@idem.IN.gov.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Attachments

cc: Sullivan County Health Department
Mark Stacey- IDNR, Division of Reclamation

Mr. Robert Fisher
Page 3

ATTACHMENT 1

W.B. Koester Construction, LLC

AML Site 1803, Gambill Lake and AML Site 1804 Steep Lake

NPDES PERMIT NO. ING040283

IDNR PERMIT NO. N/A

EFFECTIVE DATE: **February 1, 2017**

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	N/A	39°, 02', 43"	-87°, 14', 44"	Alkaline	Unnamed Tributary to Black Creek
002	N/A	39°, 02', 46"	-87°, 14', 57"	Alkaline	Unnamed Tributary to Black Creek
003	N/A	39°, 02', 47"	-87°, 14', 45"	Alkaline	Unnamed Tributary to Black Creek

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2017 – 2D -GP

DATE OF NOTICE: February 17, 2017

The Office of Water Quality approves the following for **NPDES GENERAL PERMIT** coverage.

NEW

AML 1803, GAMBILL LAKE and AML 1804 STEEP LAKE, Permit No. ING040283, SULLIVAN COUNTY, Dugger, IN. This facility will discharge non-process wastewater from an abandoned mine land site to an unnamed tributary to Black Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

Notice of Right to Administrative Review

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review you may contact the Office of Environmental Adjudication at (317) 232-8591 or see OEA's website at <http://www.in.gov/oea>.



Indiana Department of Environmental Management

NPDES General Permit Notice of Intent (NOI) Letter Submittal Application

327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
X				

II. GENERAL INFORMATION																						
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.																						
a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY																	
Robert Fisher			1221		Sullivan																	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			g. DNR FACILITY NUMBER																			
COMPANY NAME W. B. Koester Construction, LLC			N/A																			
STREET ADDRESS 14601 Hwy 41 North, Suite 200			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER																			
CITY Evansville			Latitude		Longitude																	
STATE IN			ZIP CODE 47725																			
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION																			
AML Sites 1803 and 1804, Gambill Lake and Steep Lake			<table border="1"> <tr> <th>Township</th> <th>Range</th> <th>Section</th> <th>Quartersection</th> </tr> <tr> <td rowspan="5">7N</td> <td rowspan="5">8W</td> <td>12</td> <td>SW ¼</td> </tr> <tr> <td>13</td> <td>NW ¼</td> </tr> <tr> <td>13</td> <td>NE ¼</td> </tr> <tr> <td>13</td> <td>SW ¼</td> </tr> <tr> <td>13</td> <td>SE ¼</td> </tr> </table>				Township	Range	Section	Quartersection	7N	8W	12	SW ¼	13	NW ¼	13	NE ¼	13	SW ¼	13	SE ¼
Township	Range	Section	Quartersection																			
7N	8W	12	SW ¼																			
		13	NW ¼																			
		13	NE ¼																			
		13	SW ¼																			
		13	SE ¼																			
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId																			
STREET ADDRESS No physical address			STREET ADDRESS The site is located 1.53 miles southeast of Dugger, Indiana on either side of East County Road 250S, between State Road 159 and South County Road 900E.																			
CITY			STATE		ZIP CODE																	
N/A			IN		N/A																	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Robert Fisher, Project Manager	N/A
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
(812) 483-7935	
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
bfisher@wbkoester.com	

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> W. B. Koester Construction, LLC Robert Fisher, Project Manager		
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 483-7935		d. <u>STREET ADDRESS</u> 14601 Hwy 41 North, Suite 200		
b. <u>CONTACT EMAIL ADDRESS</u> bfisher@wbkoester.com		e. <u>CITY</u> Evansville	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47725
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u> W. B. Koester Construction, LLC Robert Fisher, Project Manager		
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 483-7935		k. <u>STREET ADDRESS</u> 14601 Hwy 41 North, Suite 200		
i. <u>CONTACT EMAIL ADDRESS</u> bfisher@wbkoester.com		l. <u>CITY</u> Evansville	m. <u>STATE</u> IN	n. <u>ZIP CODE</u> 47725
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> N/A		
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>		
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>	u. <u>ZIP CODE</u>

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES X NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

This Abandoned Mine Land Reclamation Project is being undertaken in accordance with the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) and is intended to alleviate the public health, safety and environmental hazards associated with past coal mining activities. This project will consist of the following features: 1) backfill 6,384 linear feet of highwall; 2) regrade two dangerous piles and embankments; 3) create wetlands; 4) improve drainage; and 5) revegetate disturbed areas.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec	deg	min	sec				
001	N/A	39	02	43	87	14	44	<1 cfs	Alkaline	NO	Tributary to Black Creek
002	N/A	39	02	46	87	14	57	<1 cfs	Alkaline	NO	Tributary to Black Creek
003	N/A	39	02	47	87	14	45	<1 cfs	Alkaline	NO	Tributary to Black Creek
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
N/A				

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$550.00, attach to and submit with application.
Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Richard Akes (1/13/2017)

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Bob Fisher, Project Manager

(812) 483-7935

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

Site 1803 Gambill & 1804 Steep Lake NPDES Map 1/10/2017

